

Amendment No. 1 to HB1469

Sexton C
Signature of Sponsor

AMEND Senate Bill No. 1567

House Bill No. 1469*

by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

63-6-711.

(a) Subject to the requirements of subsection (b), none of the following shall be civilly liable for any damages arising out of dispensing previously owned eyeglasses to a person:

(1) A sponsoring organization;

(2) A free clinic and any optometrist, ophthalmologist, or dispensing optician providing services at the free clinic; or

(3) Any organization that provides previously owned eyeglasses to a sponsoring organization or a free clinic free of charge and that is exempt from federal taxation under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3) and (4)).

(b) In order for the immunity conferred by subsection (a) to apply:

(1) The person to whom the previously owned eyeglasses are dispensed must be fourteen (14) years of age or older;

(2) The previously owned eyeglasses must be dispensed without charge; and

(3) Before the previously owned eyeglasses are dispensed, a licensed optometrist or ophthalmologist shall have:

(A) Personally examined the recipient of the eyeglasses and issued a prescription for the eyeglasses; or

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(B) Personally consulted with the licensed optometrist or
ophthalmologist who issued a prescription for the eyeglasses.

(c) The previously owned eyeglasses may be dispensed by an optometrist or
ophthalmologist or a dispensing optician working with the optometrist or ophthalmologist.